

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MARK THOMPSON, et al.,  
Plaintiffs,  
v.  
CITY OF SAN JOSE, et al.,  
Defendants.

Case No. 22-cv-07186-JSC

**ORDER DISSOLVING NOVEMBER 16,  
2022 TEMPORARY RESTRAINING  
ORDER**

Re: Dkt. No. 11

On November 16, 2022, the Court granted Plaintiffs' motion for a temporary restraining order ("TRO") without notice to Defendants and without giving Defendants the opportunity to respond. (Dkt. No. 11.) Defendants later filed an opposition and the Court held a hearing on the motion on November 29, 2022, during which Defendants, Plaintiffs in this case, and Plaintiffs in the now-consolidated *Cummings* case (formerly No. 22-cv-07481-JST) were heard.

In light of Defendants' evidence, the TRO is dissolved. Defendants' evidence shows they provided Plaintiffs notice of the Columbus Park encampment abatement. Under the abatement plan, residents can sign up for housing and other services (as many Plaintiffs have already done); receive a placard to allow them to continue living in their vehicles in the park or adjacent paved areas until housing is available; and put their personal belongings in storage for up to 90 days. As such, Plaintiffs have not shown they are likely to succeed on the merits of their claims or that they are likely to suffer irreparable harm in the absence of the TRO. *See Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008); *Alliance for the Wild Rockies v. Cottrell*, 632 F.3d 1127, 1132 (9th Cir. 2011); *Cobine v. City of Eureka*, No. C 16-02239 JSW, 2016 WL 1730084, at \*4 (N.D. Cal. May 2, 2016) (discussing notice).

Accordingly, the November 16, 2022 TRO is dissolved and vacated. Plaintiffs' cases

1 remain open and active even though the TRO is no longer in effect.

2 Plaintiffs shall file an amended consolidated complaint on or before January 5, 2023.  
3 Defendants therefore need not answer the complaints filed in the two separate and now  
4 consolidated actions. Plaintiffs are strongly encouraged to contact the Court's Help Desk for  
5 litigants unrepresented by attorneys ("pro se" litigants):

6 Federal Pro Se Program  
7 United States District Court  
8 280 South 1st Street, Room 2070  
9 San Jose, CA 95113  
Open in-person on Tuesdays and Thursdays  
Open by phone Monday through Friday: (408) 297-1480

10 **IT IS SO ORDERED.**

11 Dated: November 29, 2022

12   
13 JACQUELINE SCOTT CORLEY  
14 United States District Judge  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

United States District Court  
Northern District of California